

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAOrder Instituting Rulemaking to Continue Implementation
and Administration of California Renewables Portfolio
Standard Program.Rulemaking 11-05-005
(Filed May 5, 2011)**DECISION GRANTING COMPENSATION TO AGRICULTURAL ENERGY
CONSUMERS ASSOCIATION FOR SUBSTANTIAL CONTRIBUTION
TO DECISION 14-12-081**

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| Intervenor: Agricultural Energy Consumers Association (AECA) | For contribution to Decision (D.) 14-12-081 |
| Claimed: \$ 43,814.10 | Awarded: \$36,827.54 (~15.95% reduction) |
| Assigned Commissioner: Carla J. Peterman | Assigned ALJs: Anne E. Simon & Robert M. Mason III |

PART I: PROCEDURAL ISSUES

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| A. Brief description of Decision: | D.14-12-081 implements the provisions of Senate Bill (SB) 1122 (Rubio) (stats. 2012, ch. 612) requiring that the investor owned utilities (IOUs) procure mandated quantities of renewable procurement standard (RPS) eligible generation from facilities using specified types of bioenergy. |
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

| | Intervenor | CPUC Verified |
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| Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)): | | |
| 1. Date of Prehearing Conference (PHC): | June 13, 2011 | Verified. |
| 2. Other specified date for NOI: | | |
| 3. Date NOI filed: | July 13, 2011 | Verified. |
| 4. Was the NOI timely filed? | Yes, Agricultural Energy Consumers Association (AECA) timely filed the notice | |

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| | | of intent to claim intervenor compensation. |
| Showing of customer or customer-related status (§ 1802(b)): | | |
| 5. Based on ALJ ruling issued in proceeding number: | | |
| 6. Date of ALJ ruling: | | |
| 7. Based on another CPUC determination (specify): | D.07-05-048 (<i>also see</i> D.14-12-069 and D.13-02-019) | Verified. |
| 8. Has the Intervenor demonstrated customer or customer-related status? | | Yes, AECA demonstrated appropriate customer-related status. |
| Showing of “significant financial hardship” (§ 1802(g)): | | |
| 9. Based on ALJ ruling issued in proceeding number: | | |
| 10. Date of ALJ ruling: | | |
| 11. Based on another CPUC determination (specify): | D.07-05-048 (<i>also see</i> D.14-12-069 and D.13-02-019) | Verified. |
| 12. Has the Intervenor demonstrated significant financial hardship? | | Yes, AECA demonstrated significant financial hardship. |
| Timely request for compensation (§ 1804(c)): | | |
| 13. Identify Final Decision: | D.14-12-081 | Verified. |
| 14. Date of issuance of Final Order or Decision: | December 26, 2014 | Verified. |
| 15. File date of compensation request: | February 23, 2015 | Verified. |
| 16. Was the request for compensation timely? | | Yes, AECA timely filed the compensation request. |

C. Additional Comments on Part I

| # | Intervenor's Comment(s) | CPUC Discussion |
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| 11 | In multiple decisions over the past two decades (<i>e.g.</i> , D.95-07-093; D.96-08-040; D.96-11-048; D.02-06-014; D.03-09-067; D.06-04-065; D.07-05-048; D.13-02-019), and most recently in D.14-12-069, the Commission has found that AECA represents individual member farmers who have annual electricity bills of less than \$50,000, and that members' economic interest has been considered small in comparison to the costs of participation. For purposes of this proceeding, AECA had 309 active individual members (excluding agricultural associations and water district members) with 211 of those members having electricity bills of less than \$50,000. As a result, AECA is seeking 68% ($211 \div 309$) of the total compensation found reasonable in this proceeding. | The award of partial compensation, on the basis proposed here by AECA is consistent with the Commission's practice for this intervenor in the cited decisions. |

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (*see* § 1802(i), § 1803(a), and D.98-04-059).**

| Intervenor's Claimed Contribution(s) | Specific References to Intervenor's Claimed Contribution(s) | CPUC Discussion |
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| 1. AECA positions, which generally set the stage for AECA's participation in this proceeding, were initially set forth in AECA Comments on Draft Consultant Report on Small Scale Bioenergy informally submitted April 24, 2013 (Comments on Draft Consultant Report): | | Verified. |

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| <p>a. Modifications to existing RE-MAT program are necessary to encourage participation by bioenergy projects, including agricultural and dairy projects.</p> <p>b. Appropriate definitions of feedstock categories and annual feedstock verification and compliance requirements must be established.</p> <p>c. Identification and quantification of all benefits of SB 1122 bioenergy projects is necessary.</p> <p>d. Study of resource potential in each IOU service territory is needed before megawatts can be allocated.</p> <p>e. Appropriate definitions and minimum allocations for each of the g and dairy sectors is necessary.</p> | <p>a. Comments on Draft Consultant Report, p. 1</p> <p>b. Comments on Draft Consultant Report, p. 2</p> <p>c. Comments on Draft Consultant Report, p. 2</p> <p>d. Comments on Draft Consultant Report, pp. 2-3</p> <p>e. Comments on Draft Consultant Report, p. 3</p> | |
| <p>2. Specific AECA contributions are set forth in Comments of AECA on Staff Proposal on Implementation of SB 1122, filed December 20, 2013 (Comments on Staff Proposal); Reply Comments of AECA on Staff Proposal on Implementation of SB 1122, filed January 16, 2014 (Reply Comments on Staff Proposal); Comments of AECA on Proposed Decision (PD), filed December 8, 2014 (Comments on PD); and Reply Comments</p> | | Verified. |

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| <p>of AECA on PD, filed December 15, 2015 (Reply Comments on PD) and addressed in D.14-12-081 as follows:</p> <p>a. <i>Contribution:</i> To ensure projects developed under this program provide value to customers, including benefits to air quality, greenhouse gas emission reductions and other environmental and societal benefits, projects in the ag/dairy category must be fully integrated with existing dairy, agricultural and food processing operations.</p> <p>D.14-12-081 recognizes legislative consideration of benefits of bioenergy, including resource diversity and environmental benefits and characterizes comments providing additional information and background about bioenergy as useful.</p> <p>b. <i>Contribution:</i> To get both dairy biogas and agricultural bioenergy projects developed, a price screen or split of MWs must be established.</p> <p>“The ‘price screen’ idea, also supported by TURN, is on firmer ground;” it is appropriate to allow the price for dairy and other agricultural projects to adjust separately.</p> <p>c. <i>Contribution:</i> The definition of “strategically located”</p> | <p>a. Comments on Staff Proposal, pp. 3-4.</p> <p>D.14-12-081, pp. 6-7.</p> <p>b. Comments on Staff Proposal, pp. 4-5; Comments on PD, p. 3; Reply Comments on PD, pp. 3-4.</p> <p>D.14-12-081, pp. 56-57, Findings of Fact (FoF) 33-34, Conclusions of Law (CoL) 38-39.</p> <p>c. Comments on Staff Proposal, pp. 6-7; Reply Comments on Staff Proposal, pp.</p> | <p>Verified.</p> <p>Verified.</p> <p>Verified.</p> |
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| <p>should be modified and the \$300,000 transmission upgrade limit should be raised, or modified to allow for dairy/agricultural participation.</p> <p>Appropriate to allow generator to have option to pay transmission network upgrade costs in excess of \$300,000; it maintains existing benchmark and provides necessary flexibility.</p> | <p>11-12; Comments on PD, p. 2; Reply Comments on PD, p. 3.</p> <p>D.14-12-081, pp. 46-48, FoF 35-37, CoL 41.</p> | |
| <p>d. <i>Contribution</i>: Definitions of “food processing” and “other agricultural bioenergy” should be clear and consistent with statutory definitions.</p> <p>AECA-proposed definition of “food processing” adopted; modified version of AECA-proposed definition of “other agricultural bioenergy” adopted.</p> | <p>d. Comments on Staff Proposal, pp. 7-10; Reply Comments on Staff Proposal, pp. 7-10; Comments on PD, p. 2.</p> <p>D.14-12-081, pp. 12-14, 18-21, FoF 4-6, CoL 7-8 and 13-14.</p> | <p>Verified.</p> |
| <p>e. Clearly define “dairy” and “co-digestion” bioenergy.</p> <p>AECA-proposed definition of “dairy” adopted; modified version of AECA-proposed definition of “co-digestion” adopted.</p> | <p>e. Comments on Staff Proposal, pp. 10-11; Reply Comments on Staff Proposal, p. 12.</p> <p>D.14-12-081, pp. 14-15, 17, CoL 10-12.</p> | <p>Verified.</p> |
| <p>f. <i>Contribution</i>: The Staff Proposal should be modified to account for resource availability in each IOU service territory when allocating SB 1122 MWs,</p> | <p>f. Comments on Staff Proposal, pp. 11-12; Comments on Proposed Decision, p. 8.</p> | <p>Decision does not adopt intervenor’s proposed reallocation, but gives weight to resource availability (among other factors) in adopting allocations for each utility.</p> |

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| <p>consistent with AECA's proposed reallocation.</p> <p>Different allocation proposals of parties considered in developing adopted allocations.</p> <p><i>g. Contribution:</i> To prevent delays in program participation, the price should start high enough to entice participation and initially escalate on an accelerated schedule, <i>e.g.</i>, monthly.</p> <p>Decision recognized the lack of successful bioenergy bidders in RAM, and Legislative acknowledgement that bioenergy technologies were not being procured through existing smaller generation procurement programs (RPS FiT, RAM); appropriate to adopt weighted average of all conforming bids in first four RAM auctions as initial statewide starting price for SB 1122 projects. The Decision acknowledges that the price would increase more rapidly using a monthly adjustment interval, but retained the bi-monthly adjustment interval.</p> <p><i>h. Contribution:</i> Inflation adjustment adder should be included in contracts.</p> <p>Inflation adder proposals considered, but not adopted.</p> | <p>D14-12-081, pp. 38-41, FoF 18-21, CoL 23.</p> <p><i>g. Comments on Staff Proposal</i>, pp. 12-13; <i>Reply Comments on Staff Proposal</i>, pp. 2-3; <i>Comments on Proposed Decision</i>, pp. 2-3.</p> <p>D.14-12-081, pp. 52-60, Fof 23-32, CoL 32-38.</p> <p><i>h. Comments on Staff Proposal</i>, p. 13; <i>Comments on Proposed Decision</i>, pp. 5-6.</p> <p>D.14-12-081, p. 67.</p> | <p>Decision does not adopt intervenor's proposals, but intervenor was successful in opposing utility proposals regarding initial starting price.</p> <p>Decision flatly rejects intervenor's proposal – no substantial contribution.</p> <p>Verified.</p> |
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| <p>i. <i>Contribution</i>: Bioenergy projects (including community scale biomass facilities) should be located at site of fuel source or in close proximity thereto.</p> <p>Allowing “other agricultural” feedstock to be obtained from agricultural sources that are not located on the same premises as bioenergy facility will maximize the opportunities to use “other agricultural” fuel sources in the same general area as feedstock for one facility; requiring that generation facility be on agricultural premises increases value to farmers and reduces likelihood that the generation facility will be located far from feedstock sources, reducing potential for emissions from transportation of feedstock.</p> <p>j. <i>Contribution</i>: IOU price cap proposals are flawed, unnecessary, and speculative; Commission should monitor price adjustment and respond as appropriate.</p> <p>Legislature did not require a cost containment mechanism for SB 1122 projects; high SB 1122 costs would come to the Commission’s attention through the RPS procurement expenditure limitation procedure, making it unnecessary and potentially confusing to set a separate SB 1122 price cap; premature to</p> | <p>i. Comments on Staff Proposal, p. 14.</p> <p>D.14-12-081, pp. 18-21; CoL 14.</p> <p>j. Reply Comments on Staff Proposal, pp. 4-5; Reply Comments on Proposed Decision, p. 3.</p> <p>D.14-12-081, pp. 60-62, CoL 52.</p> | <p>Verified.</p> |
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| impose firm price cap; Energy Division will monitor and review price when it reaches \$197/MWH and stays there over two program periods. | | Verified. |
| k. <i>Contribution</i> : PG&E's proposal to "automatically freeze" program based on claims of market manipulation or suspend program at 50% participation level with Tier 1 Advice Letter should be rejected. | k. Reply Comments on Staff Proposal, pp. 5-6 | |
| PG&E Tier 1 Advice Letter proposal to address claims of market manipulation rejected; proposal for suspension Advice Letter at 50% participation level not adopted. | D.14-12-081, pp. 62-63. | Verified. |
| l. <i>Contribution</i> : SCE's proposal to reallocate MWs between bioenergy categories contrary to SB 1122. | l. Reply Comments on Staff Proposal, p. 7. | |
| Decision does not adopt SCE proposal to alter category allocations set forth in SB 1122. | D.14-12-081, pp. 41-42. | Verified. |
| m. <i>Contribution</i> : Additional flexibility in feedstock percentages undermine program. | m. Reply Comments on Staff Proposal, pp. 9-10. | |
| Decision retains Staff Proposal requirement (for categories other than dairy, where no mixture allowable) that at least 80% of the fuel source, measured annually, be of the | D.14-12-081, pp. 21, 32. | |

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| <p>type designated by the generator as the fuel source.</p> <p>n. <i>Contribution</i>: Limitation of affiliated parties will delay program.</p> <p>Decision considers AECA comments but retains PG&E tariff definition of affiliate.</p> <p>o. <i>Contribution</i>: SCE's proposal to end program after 42 months is inconsistent with SB 1122; program should end upon procurement of 250 MW.</p> <p>Decision considered proposals for and against sunset dates, looked to ReMAT to determine if a sunset date is reasonable; adopts end date of 60 months from program start date.</p> <p>p. <i>Contribution</i>: The definition of "biogas" set forth in the Proposed Decision is consistent with legislative intent.</p> <p>After considering various positions, the Decision determined to use the definition of biogas in the CEC's <i>RPS Eligibility Guidebook</i>; Decision adopted AECA position to exclude landfill gas from SB 1122 eligibility.</p> <p>q. <i>Contribution</i>: Energy production flexibility should be granted in the first two years of</p> | <p>n. Reply Comments on Staff Proposal, p. 10.</p> <p>D.14-12-081, p. 59.</p> <p>o. Reply Comments on Staff Proposal, pp. 10-11.</p> <p>D.14-12-081, pp. 70-72, CoL 48.</p> <p>p. Comments on Proposed Decision, pp. 3-5; Reply Comments on Proposed Decision, pp. 2-3.</p> <p>D.14-12-081, pp. 8-10, FoF 2, CoL 2-3.</p> <p>q. Comments on Proposed Decision, p. 6.</p> | <p>Decision rejects intervenor's position as insufficiently supported – no substantial contribution.</p> <p>Decision rejects intervenor's specific argument but approves a more liberal sunset date, consistent with the intervenor's general position that development of the bioenergy industry will be slow and may encounter unexpected issues.</p> <p>Verified.</p> <p>Decision flatly rejects early energy production flexibility proposals – no substantial contribution.</p> |
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| <p>a project.</p> <p>Decision considered proposals for early energy production flexibility and concluded such flexibility was inconsistent with ReMAT.</p> <p>r. <i>Contribution:</i> Interconnection delays beyond a seller's control should not be cause for contract termination.</p> <p>Decision considered proposals regarding interconnection delays and contract termination and upheld ReMAT approach (6-month extension of online date if generator has taken all reasonable actions but fails to secure necessary interconnection commitment).</p> <p>s. <i>Contribution:</i> Reduced number of bidders should be continued for at least the first five auctions.</p> <p>Decision adopts temporary reduction in number of bids required; a minimum of 3 eligible bids per technology type sufficient to trigger price adjustment, until 1 project in category accepts offer, thereafter minimum number of bidders required to trigger adjustment is 5 (reduction in minimum bid requirement applies separately to dairy and "other agricultural" projects).</p> | <p>D.14-12-081, pp. 68-69.</p> <p>r. Comments on Proposed Decision, pp. 6-7.</p> <p>D.14-12-081, p. 68.</p> <p>s. Comments on Proposed Decision, p. 7.</p> <p>D.14-12-081, pp. 58-59.</p> | <p>Decision flatly rejects this proposal – no substantial contribution.</p> <p>Verified.</p> |
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

| | Intervenor's Assertion | CPUC Discussion |
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| a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹ | Yes | Verified. |
| b. Were there other parties to the proceeding with positions similar to yours? | Yes | Verified. |
| c. If so, provide name of other parties: Bioenergy Association of California, Placer County Air Pollution Control District, Dairy Cares, Phoenix Energy, Sustainable Conservation, California Farm Bureau Federation | | Verified. |
| d. Intervenor's claim of non-duplication: AECA coordinated with parties with similar positions, to the extent practicable. Notably, AECA's membership encompasses a wide variety of agricultural and dairy interests, which means that while AECA took some similar positions on certain issues in this proceeding, it took different positions from the other parties on key issues. By providing the Commission with alternatives to positions advanced by other parties with similar positions, AECA helped develop a robust record, which in turn allowed the Commission to adopt a fully informed Decision. As the sponsor of SB 1122 in 2012, AECA was one of the most involved and engaged parties in this proceeding. | | Yes. |

PART III: REASONABLENESS OF REQUESTED COMPENSATION**A. General Claim of Reasonableness (§ 1801 and § 1806):**

| a. Intervenor's claim of cost reasonableness: | CPUC Discussion |
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| <p>AECA's request for intervenor compensation seeks an award of \$43,814.10 (\$64,432.50 X .68). The requested award is reasonable in light of the benefits achieved through AECA's participation in the proceeding. AECA's unique perspective as the sponsor of SB 1122 helped ensure the intent of the legislation was implemented in this proceeding.</p> <p>AECA's efforts toward clear definitions of agriculture and food processing resulted in the integrity of the agricultural category being upheld. Ensuring that agricultural projects are built "on the premise" of an agricultural operation, again upholds the intent of the legislation and ensures that true agricultural projects can compete in Category 2.</p> | Verified. |

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

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| <p>AECA’s advocacy for creating a price screen in Category 2 ensures that both dairy and agricultural projects can compete in the program.</p> <p>Revising the definition of “strategically located” will allow projects in rural farming communities to participate.</p> <p>In sum, the Commission should conclude that AECA’s overall request is reasonable in light of the substantial benefits to agricultural and dairy customers that are directly attributable to AECA’s participation. AECA’s participation was also unique in that AECA represented the perspective of project developers as well as ratepayers, thereby helping to balance potentially conflicting positions.</p> | |
| <p>b. Reasonableness of hours claimed: AECA’s request for intervenor compensation seeks an award of \$43,814.10 (\$64,432.50 X .68). The issues raised in this proceeding are of vital importance to AECA members seeking to contribute to the State’s clean energy goals, as well as to AECA’s ratepayer members. The hours claimed reflect the importance of this issue to AECA, yet also reflect steps taken to keep costs down.</p> <p>The requested award is reasonable in light of the benefits achieved through AECA’s participation in the proceeding (described above). AECA has substantial experience participating in Commission proceedings and strives to participate in a cost-effective manner, by focusing on key issues and communicating with parties with similar positions. It also manages participation to avoid duplication of work being done by members of its regulatory team.</p> <p>AECA submits the requested hours are reasonable, for each attorney and expert individually, and in the aggregate. AECA respectfully requests that its request be granted.</p> | <p>Verified, <i>but see</i> CPUC Disallowances and Adjustments, below.</p> |
| <p>c. Allocation of hours by issue:</p> <p>AECA’s allocation of hours by issue are shown in the attached timesheets (Attachment 3).</p> | <p>Verified.</p> |

B. Specific Claim:*

| CLAIMED | | | | | | CPUC AWARD | | |
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| ATTORNEY, EXPERT, AND ADVOCATE FEES | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours [2] [3] | Rate \$ | Total \$ |
| Ann L. Trowbridge Attorney | 2013 | 9.4 | \$400 | D.14-12-069, Res. ALJ-303 | \$3,760 | 8.57 | \$395.00 D.14-12-069 | \$3,385.15 |
| Ann L. Trowbridge Attorney | 2014 | 19.3 | \$400 | D.14-12-069, Res. ALJ-303 | \$7,720 | 15.38 | \$400.00 Res. ALJ-303 | \$6,152.00 |
| Michael Boccadoro Exec. Dir./Advocate | 2013 | 105.65 | \$200 | D.14-12-069, Res. ALJ-303 | \$21,130 | 86.79 | \$205.00 D.14-12-069 | \$17,791.95 |
| Michael Boccadoro Exec. Dir./Advocate | 2014 | 73.95 | \$200 | D.14-12-069, Res. ALJ-303 | \$14,790 | 59.00 | \$210.00 Res. ALJ-303 | \$12,390.00 |
| Beth Olhasso Asst. Exec. Dir./Advocate | 2013 | 55.25 | \$150 | D.14-12-069, Res. ALJ-303 | \$8,287.50 | 46.85 | \$150.00 D.14-12-069 | \$7,027.50 |
| Beth Olhasso Asst. Exec. Dir./Advocate | 2014 | 36.0 | \$150 | D.14-12-069, Res. ALJ-303 | \$5,400 | 26.71 | \$155.00 Res. ALJ-303. | \$4,140.05 |
| Subtotal: \$61,087.50 | | | | | | Subtotal: \$50,886.65 | | |
| INTERVENOR COMPENSATION CLAIM PREPARATION ** | | | | | | | | |
| Item | Year | Hours | Rate \$ | Basis for Rate* | Total \$ | Hours [4] | Rate | Total \$ |
| Ann L. Trowbridge | 2013 | .3 | \$200 | D.14-12-069, Res. ALJ-303 | \$60 | 0.3 | \$197.50 | 592.50 |

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| Ann L. Trowbridge | 2014 | .2 | \$200 | D.14-12-069, Res. ALJ-303 | \$40 | 0.2 | \$200.00 | 40.00 |
| Ann L. Trowbridge | 2015 | 10 | \$200 | D.14-12-069, Res. ALJ-303 | \$2000 | 8.0 | \$200.00 Res. ALJ-308 | 1,600.00 |
| Beth Olhasso | 2015 | 11 | \$75 | D.14-12-069, Res. ALJ-303 | \$825 | 8.8 | \$77.50 Res. ALJ-308 | 682.00 |
| Michael Boccadoro | 2015 | 4.2 | \$100 | D.14-12-069, Res. ALJ-303 | \$420 | 3.4 | \$105.00 Res. ALJ-308 | 357.00 |
| Subtotal: \$3,345.00 | | | | | | Subtotal: \$ 3,271.50 | | |
| TOTAL REQUEST: \$64,432.50 | | | | | | Pre-Reduction: \$ 54,158.15 After 32% Reduction: \$36,827.54 [5] | | |
| <p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p> | | | | | | | | |
| ATTORNEY INFORMATION | | | | | | | | |
| Attorney | | Date Admitted to CA BAR ² | | Member Number | | Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation | | |
| Ann L. Trowbridge | | December 15, 1993 | | 169591 | | No | | |

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

C. Attachments Documenting Specific Claim and Comments on Part III:

| Comment # | Intervenor's Comment(s) |
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| Comment 1 | AECA is not claiming any costs in this request. AECA has used electronic mail communication, phone and conference calls to reduce filing and meeting costs and keep overall costs to a minimum, further demonstrating the reasonableness of this claim. |
| Comment 2 | Rationale for Ann Trowbridge's hourly rate: AECA is requesting an hourly rate of \$400 in 2013, 2014, and 2015 for Ms. Trowbridge. Ms. Trowbridge last received \$400 for work performed in 2013 (D.14-12-069). Her rate remains at \$400 for 2014 and 2015, which places her at the low end of the range for attorneys with 13- plus years of relevant experience (see Res. ALJ-303). Ms. Trowbridge graduated from University School of Law in 1993, and has practiced extensively before the Commission since the late 1990's. |
| Comment 3 | Rationale for Michael Boccadoro's hourly rate: AECA is requesting an hourly rate of \$200 for Mr. Boccadoro in 2013, 2014, and 2015. He last received \$200 for work performed in 2013 (D.14-12-069). His rate remains at \$200 for 2014 and 2015. He has over 20 years of experience as an energy policy and resource management expert. |
| Comment 4 | Rationale for Beth Olhasso's hourly rate: AECA is requesting an hourly rate of \$150 for Ms. Olhasso in 2013, 2014, and 2015. She last received \$150 for work performed in 2013 (D.14-12-069). Her rate remains at \$150 for 2014 and 2015. She has over 3 years of relevant experience. |
| Comment 4 | Issue Codes for detailed time sheets |
| | LCOE – Levelized Cost of Energy |

D. CPUC Disallowances and Adjustments:

| Item | Reason |
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| [1] | <p>Failure to Make Substantial Contribution on Certain Issues: Intervenor claims compensation for its work on 19 specific issues addressed in D.14-12-081. Today's decision finds that intervenor made substantial contribution on 15 of those issues. However, intervenor did not make a substantial contribution on four of those issues.</p> <p>Intervenor's time codes allocate its hours under seven headings, each of which aggregate two or more specific issues (some issues are listed under more than one heading). Those issues on which intervenor did <u>not</u> make a substantial contribution come under three of the headings: General/Other; Pricing/Bidding; and Contract Terms. For the 16 issues under General/Other, intervenor made a substantial contribution on 12 of them; consequently, today's decision awards compensation for 75% of the hours that intervenor claims under this heading. For the six issues under Pricing/Bidding, intervenors made a substantial contribution on all but one issue; consequently, today's decision awards compensation for 83.33% of the hours that intervenor claims under this heading. Finally, for the four issues under Contract</p> |

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| | Terms, intervenor made a substantial contribution on only one issue; consequently, today's decision awards compensation for 35% of the hours that intervenor claims under this heading. |
| [2] | <p>Disallowances for Non-Compensable Travel Time: Intervenor claims a total of 20 hours (10 hours for each of the two representatives) for travel to, and participation in, the workshop held on May 2, 2013. We do not award compensation for travel of less than 120 miles (one way); such travel is considered a normal part of a job. Intervenor does not disaggregate travel time from the hours claimed for the workshop. However, intervenor's representatives are based in Sacramento, about 90 miles from San Francisco. We therefore disallow 75% of the three hours (approximately the time needed to drive round-trip between Sacramento and San Francisco) from the hours claimed for both of the representatives attending the workshop on behalf of intervenors.</p> <p>This disallowance is made of the hours remaining after the effect of the disallowances for failure to make a substantial contribution on certain issues ([1], above).</p> |
| [3] | <p>Disallowances of Compensation for Lobbying: Intervenor's request compensation for a total of 5.5 hours devoted to preparing for and attending a meeting in January 2014 with a Commissioner's advisor. One of intervenor's representatives participated, along with several other representatives of the bioenergy industry. Today's decision disallows 75% of these hours.</p> <p>This disallowance is made of the hours remaining after the effect of the disallowances for failure to make a substantial contribution on certain issues ([1], above).</p> |
| [4] | <p>Disallowance for Excessive Time Preparing Intervenor Compensation Claim: Intervenor requests compensation for 25.7 hours devoted to work on its compensation claim. This request is excessive for this type of proceeding, namely, a rulemaking where no hearings were held. We recognize that the unusual extent of intervenor's participation (encompassing 19 issues), may have complicated the task of timekeeping; consequently, we award compensation for 80% of the hours claimed for work on preparing the compensation claim. The 20% disallowance is allocated proportionally among intervenor's three representatives, all of who claimed time for work on the compensation claim.</p> |
| [5] | <p>Award of Partial Compensation, Requested by Intervenor: As requested by intervenor, and in Part I.C., above, and consisted with long precedent, today's decision awards 68% of the total fees and costs found reasonable.</p> |

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (*see* § 1804(c))

| | |
|--|------|
| A. Opposition: Did any party oppose the Claim? | No. |
| B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))? | Yes. |

FINDINGS OF FACT

1. AECA has made a substantial contribution to D.14-12-081.
2. The requested hourly rates for Intervenor's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed. In consideration of the composition of AECA's membership and past Commission practice, it is reasonable to award 68% of these costs and expenses.
4. The total of reasonable compensation is \$36,827.54.

CONCLUSIONS OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.
2. Today's decision should be made effective immediately to facilitate prompt payment of the award.

ORDER

1. Agricultural Energy Consumers Association shall be awarded \$36,827.54.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company shall pay Agricultural Energy Consumers Association their respective shares of the award, based on their California-jurisdictional electric revenues for the 2014 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning May 9, 2015, the

75th day after the filing of Agricultural Energy Consumers Association's request, and continuing until full payment is made.

3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, 2015, at Sacramento, California.

APPENDIX**Compensation Decision Summary Information**

| | | | |
|----------------------------------|--|---------------------------|----|
| Compensation Decision: | | Modifies Decision? | No |
| Contribution Decision(s): | D1412081 | | |
| Proceeding(s): | R1105005 | | |
| Author: | ALJs Simon and Mason | | |
| Payer(s): | Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company | | |

Intervenor Information

| Intervenor | Claim Date | Amount Requested | Amount Awarded | Multiplier? | Reason Change/Disallowance |
|--|-------------------|-------------------------|-----------------------|--------------------|---|
| Agricultural Energy Consumers Association (AECA) | 2/23/2015 | \$ 43,814.10 | \$36,827.54 | N/A | See CPUC Disallowances and Adjustments. |

Advocate Information

| First Name | Last Name | Type | Intervenor | Hourly Fee Requested | Year Hourly Fee Requested | Hourly Fee Adopted |
|-------------------|------------------|-------------|-------------------|-----------------------------|----------------------------------|---------------------------|
| Ann L. | Trowbridge | Attorney | AECA | \$400.00 | 2013 | \$395.00 |
| Ann L. | Trowbridge | Attorney | AECA | \$400.00 | 2014 | \$400.00 |
| Ann L. | Trowbridge | Attorney | AECA | \$400.00 | 2015 | \$400.00 |
| Michael | Boccadoro | Advocate | AECA | \$200.00 | 2013 | \$205.00 |
| Michael | Boccadoro | Advocate | AECA | \$200.00 | 2014 | \$210.00 |
| Michael | Boccadoro | Advocate | AECA | \$200.00 | 2015 | \$210.00 |
| Beth | Olhasso | Advocate | AECA | \$150.00 | 2013 | \$150.00 |
| Beth | Olhasso | Advocate | AECA | \$150.00 | 2014 | \$155.00 |
| Beth | Olhasso | Advocate | AECA | \$150.00 | 2015 | \$155.00 |

(END OF APPENDIX)